

## **REMARKS**

Prior to this Reply, Claims 1-52 were pending. Through this Reply, no claims have been amended, added or cancelled. Accordingly, Claims 1-52 are now at issue in the present case.

### **I. Allowable Subject Matter**

Applicants note, with thanks, the Examiner's indication of the allowability of Claims 1-20, 30, 33, 38-40, 42, 50 and 52.

### **II. Rejections Under 35 U.S.C. § 103**

The Examiner rejected Claims 21-29, 31, 32, 34-37, 41, 43-49 and 51 under 35 U.S.C. § 103(a) as being unpatentable over Applicants' Admitted Prior Art (hereinafter "AAPA") as discussed on page 1, line 10 through page 8, line 2 and on page 16, lines 10-11 in view of U.S. Patent No. 5,889,629 to Patton, III (hereinafter "Patton III"). Applicants respectfully traverse the rejection.

In the Response to Arguments Section on page 3 of the Office Action, the Examiner states:

Concerning claims 21 and 34 applicant states that the admitted prior art does not teach the adjustment of the deceleration part of the profile based on the direction of travel of the transducer (claim 21) or based on the direction of travel of the arm (claim 34) and that Patton III only teaches a velocity profile used during a park operation not during a normal, non-park operation. (emphasis added)

In the next sentence of the Office Action, the Examiner admits that he agrees with the above-quoted statement. However, the Examiner then states that he believes that Claims 21 and 34 do not specifically set forth that the adjustment of the profile occurs during a non-park

operation, but instead that the adjustment is based on the travel direction. The Examiner then concludes that such an adjustment (i.e., an adjustment based on travel direction) is taught by Patton III.

Applicants believe that the distinction that is being missed is that, according to Claim 34 (for example), the adjusted profile is used during normal non-park operations. In contrast, Patton III only uses an adjusted profile during a park operation. If the Examiner believes that Patton III teaches use of an adjusted profile during normal non-park operations, then Applicants respectfully request the Examiner to point to such teaching in Patton III.

Applicants believe that independent Claims 21, 34 and 43 include limitations which are in accord with the aforementioned distinction. Claim 34, for example, states that:

    said actuator arm moves in a direction from a starting track to a target track according to a seek velocity profile *for use during normal non-park operations*, wherein said seek velocity profile includes at least an acceleration portion and a deceleration portion, and said seek velocity profile is derated based on at least a direction of travel of said actuator arm. (emphasis added)

Claim 21 also meets the distinction, albeit using the language included in the following steps:

    adjusting at least said deceleration portion of said velocity profile based on at least a direction of travel of said transducer; and

    moving said transducer from said starting track to said target track *during normal non-park operations*, in accordance with said velocity profile. (emphasis added)

Claim 43 also includes language in accordance with the distinction, namely:

    control means for controlling said actuation means such that said actuation means move said read/write means according to a first velocity profile *for use during normal non-park operations*, when said starting location is a first direction from said target location, and according to a second velocity profile, different from said first velocity profile, when said starting location is a second direction

from said target location and said target location is within a predefined distance from a reference location within said storage means. (emphasis added)

For at least the above reasons, Applicants believe that Claims 21, 34 and 43 (and the claims that depend therefrom) are patentably distinguishable from AAPA and Patton III, both alone and in combination.

Although the comments above are believed to substantively distinguish the cited references, Applicants note that Applicants do not necessarily accede to the assertions and statements in the Office Action, whether or not expressly addressed.

### **III. Conclusion**

Applicants believe that no additional fees are due. Nevertheless, the Commissioner is hereby authorized to charge Deposit Account No. 50-2198 for any fee deficiencies associated with filing this paper.

Applicants believe that the application appears to be in form for allowance. Accordingly, reconsideration and allowance thereof is respectfully requested.

The Examiner is invited to contact the undersigned at the below-listed telephone number regarding any matters relating to the present application.

Respectfully submitted,

  
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